

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

MICHAEL LEDERER,

Defendant.

UNDER SEAL

Case No. 1:17-mj-563

The Hon. Theresa Carroll Buchanan

AFFIDAVIT IN SUPPORT OF A  
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Anthony Brock Newton, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I have been a Special Agent ("SA") with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") since 2015. Prior to my appointment with the ATF, I was a police officer with the Roanoke County and Roanoke City Police Departments for approximately 6 years. I am currently temporarily assigned to the ATF Falls Church Group II Field Office. In my capacity as a law enforcement officer, I have investigated individuals for the illegal possession and use of firearms, illegal possession and distribution of controlled substances, and for committing violent crimes. Many of these investigations involved the execution of search warrants, and led to the arrest and conviction of individuals for violations of state and federal firearms and drug trafficking laws.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Michael LEDERER for the unlawful possession of a firearm while being an unlawful user of a controlled substance, in violation of Title 18, United States Code, Section 922(g)(3).

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

### **PROBABLE CAUSE**

4. Since approximately February 2017, law enforcement has been investigating narcotics and firearms trafficking within the Eastern District of Virginia and elsewhere. A Confidential Informant (CI-1) informed ATF that Co-Conspirator 1 (CC-1) was distributing firearms and illegal narcotics in the area.

5. CI-1 will be referred to in the masculine gender, regardless of CI-1's true gender. CI-1 was arrested in 2014 for possession of a controlled substance and in 2015 and 2016 for possession with intent to distribute a controlled substance. CI-1 is cooperating with law enforcement in return for consideration for his pending charges.

6. From on or about March 2, 2017 to on or about August 31, 2017, CI-1, acting under law enforcement supervision, purchased cocaine and cocaine base ("crack cocaine") from CC-1 on several different occasions. During the same time period, CI-1, acting under law enforcement supervision, purchased marijuana, which was facilitated by CC-1, and was also present when CC-1 purchased marijuana.

#### **A. Controlled Purchase of Cocaine on April 6, 2017**

7. On or about April 6, 2017, CI-1 contacted CC-1 about purchasing a pre-determined quantity of cocaine and crack cocaine. Prior to the controlled purchase, CI-1 and the vehicle were searched and found to be clear of any illegal contraband. CI-1 was equipped with electronic surveillance equipment for the controlled purchase.

8. CC-1 and CI-1 met up in the area of Bellona Road in Woodbridge, VA to conduct the purchase. While CI-1 and CC-1 were cooking cocaine into crack cocaine for CI-1's purchase, CC-1 communicated with an unknown male and agreed to meet the unknown male at a McDonalds in Dale City, Virginia . At the time of CC-1's communication with the unknown male, an ATF agent confirmed through call logs that CC-1 was communicating with phone number (703) 296-XXXX. A law enforcement database was queried and reported that (703) 296-XXXX is associated with LEDERER.

9. After communicating with phone number (703) 296-XXXX and while waiting for the crack cocaine to harden, CC-1 drove himself and CI-1 to the McDonalds where CI-1 stated that CC-1 distributed an unknown amount of cocaine. CC-1 and CI-1 then departed the area, and an ATF agent who was at the McDonalds observed LEDERER exit a white 2006 Toyota two door sedan that was parked in the McDonalds parking lot. Law enforcement has had previous contact with LEDERER while he was operating the white 2006 Toyota Sedan. The ATF agent observed LEDERER exit his vehicle and meet with Co-Conspirator 2 (CC-2), who was operating a black Jeep. After meeting with CC-2, LEDERER returned to his vehicle and both LEDERER and CC-2 departed from the McDonalds.

10. In a debrief with CI-1 after the controlled purchase on or about April 6, 2017, CI-1 stated that while at the McDonalds, CC-1 distributed an unknown amount of cocaine. However, CI-1 did not observe who purchased the cocaine. After CC-1 distributed the unknown amount of cocaine, electronic surveillance equipment captured CC-1 state: "I hand this nigga the shit and he gives me some weed, the fuck is my money at...you can't have a couple hundred dollars balled up this small."

11. During the controlled purchase from CC-1, CI-1 purchased approximately one hundred twelve (112) grams of crack cocaine and approximately twenty-nine (29) grams of cocaine. The suspected cocaine and crack cocaine were both field tested and showed an initial positive reaction for the presence of cocaine. The substances were sent to the DEA Mid-Atlantic Laboratory, where they were analyzed to weigh 106 grams containing cocaine base and 27.22 grams containing cocaine.

B. Controlled Purchase of Cocaine on May 25, 2017

12. On or about May 25, 2017, at the direction of law enforcement, CI-1 purchased approximately fifty-six (56) grams of heroin from Co-Conspirator 3 (CC-3). CC-1 was present for the transaction and arranged the heroin transaction with CC-3 on behalf of CI-1. CI-1 was equipped with electronic surveillance equipment for the controlled purchase. During the controlled purchase with CC-3, CC-1 received a phone call from (703) 296-XXXX, known by law enforcement to be associated with LEDERER. During the phone conversation, recorded by electronic surveillance equipment, LEDERER stated to CC-1 that what he got from him was not the best quality but that he had not received any complaints. LEDERER stated that he could only say this based upon his own observations. LEDERER further carried on conversation with CC-1 about CC-1's sale of firearms. LEDERER told CC-1 that he was "still thinking about it."

C. Controlled Purchase of Cocaine on August 31, 2017

13. On or about August 31, 2017, CI-1, at the direction of law enforcement, purchased approximately three hundred eighty four (384) grams of crack cocaine from CC-1 in the area of Vantage Drive, Woodbridge, VA. The ATF agent observed CC-1, carrying a red bag, and CI-1, carrying a plastic bag, exit the apartment building, enter a black Dodge Challenger, and depart the area. The vehicle arrived in the area of Cloverdale Road in Woodbridge, VA. The

CI stated that the reason they traveled to Cloverdale was because the amount of crack cocaine that CC-1 had cooked was too large to fit on the scales in CC1's residence. After weighing the crack cocaine, and capturing the weight on video as "381" or "387," CC-1 and CI-1 returned to the Vantage Drive area. At the end of the controlled purchase, an ATF agent observed CI-1 and CC-1 part ways. CI-1 then informed an ATF agent that CC-1 had informed CI-1 that he was on his way sell a quarter pound of marijuana to CC-1's "white boy." CI-1 is familiar with this white male, and law enforcement has previously identified this white male as LEDERER. The suspected crack cocaine was sent to the DEA mid-Atlantic laboratory for analysis. It weighed 369.89 grams and tested positive for Cocaine Base.

14. Law enforcement maintained visual surveillance on CC-1, and I observed CC-1 park his vehicle in the area of the Braddock Drive in Dale City, Virginia. I observed a white male with physical features consistent with LEDERER exit the Braddock Drive residence and meet with CC-1 at the driver's side window of CC-1's vehicle. I observed CC-1 provide the white male with a red bag and the white male then re-entered the residence. CC-1 then departed the area. I was able to capture photographs of the white male entering the Braddock Drive residence carrying the red bag. After viewing the photographs I captured, an ATF agent identified the male to be the same male he observed at the McDonalds during the controlled purchase on or about April 6, 2017.

D. Search Warrant of LEDERER's residence on September 8, 2017

15. On September 8, 2017, I obtained a U.S. District Court Sealed Search Warrant for 3417 Braddock Drive, Dale City, VA, the residence of LEDERER. Upon approaching the residence and making contact with LEDERER at the front door of the residence, an ATF agent

located a Davis Industries, Model C25, .25 ACP derringer style pistol, bearing serial number (SN) 024561 in LEDERER's left pants pocket.

16. The following firearms, ammunition, and United States currency were seized from LEDERER's bedroom pursuant to the Federal Search Warrant:

- Davis Industries, Model C25, .25 ACP derringer style pistol, bearing SN 024561, loaded with two (2) rounds of ammunition
- Glock, Model 19, 9mm semi-automatic pistol, bearing SN BBSK508, loaded with eighteen (18) rounds of ammunition
- Omni, Model unknown, multi caliber semi-automatic pistol, bearing SN AR46506, loaded with one (1) "dummy round", and accompanying magazine with thirty (30) rounds of ammunition
- Smith and Wesson, Model M&P Shield, .45 caliber semi-automatic pistol, bearing SN HDM8519
- Smith and Wesson, Model 586-5, .357 magnum caliber revolver, bearing SN CCW6054
- Springfield, Model XD, 9mm semi-automatic pistol, bearing SN S3756719, loaded with eight (8) rounds of ammunition
- Approximately 850 rounds of assorted ammunition (recorded separately from the ammunition accompanying the above listed firearms). This ammunition count was determined based upon a total weight of the ammunition at approximately fifty-one (51) pounds.
- \$16,596.00 in United States Currency

The following firearm was seized from the basement living room of the residence:

- Stevens, Model 320, 12 gauge pump action shotgun, bearing SN 134607C, loaded with three (3) rounds of ammunition

17. While law enforcement was searching the residence, LEDERER provided a post-*Miranda* statement to ATF agents. During the post-*Miranda* statement, LEDERER stated that since the age of 13 years old, he has regularly smoked marijuana several times per week (LEDERER is now 31 years old). LEDERER stated when he was younger, he would smoke “a lot,” at least two (2) grams a day at a minimum. LEDERER stated this amount continued until he was 25 years old and then he reduced the amount. LEDERER stated he now uses marijuana for relaxation and not on a daily basis. However, LEDERER admitted that he continues to smoke \$20-\$40 worth of marijuana per week. LEDERER stated that he had recently been in trouble for possession of marijuana and was currently on probation. LEDERER further explained that he was also charged with possession of cocaine because he forgot that it was in his pocket.

18. At the time of the interview, LEDERER had last smoked marijuana two days prior.

19. LEDERER stated that on previous occasions he had also used cocaine, and law enforcement recovered items consistent with cocaine use in his residence. LEDERER further stated that on previous occasions, he had “middle manned” (provided) marijuana to other unknown individuals.

20. Along with LEDERER’s statements and pursuant to the Federal search warrant, ATF agents located the following items in LEDERER’s bedroom related to the use and distribution of marijuana and other controlled substances:

- Marijuana
- Wooden box and razor containing suspected cocaine residue

- Cut straw and clear vile with white residue
- Glass smoking devices to include a pipe and bong (still wet with liquid)
- Marijuana grinder
- Wooden box containing drug paraphernalia
- Food saver bags consistent with packaging for larger amounts of narcotics
- Assorted digital scales
- Various plastic baggies to include torn baggies consistent with re-packaging of narcotics for distribution

21. On September 8, 2017, LEDERER's girlfriend ("Citizen") provided a statement to an ATF agent about LEDERER's marijuana use and distribution. The Citizen stated that she is a recovering heroin user who has been clean for approximately three years. She has dated LEDERER for approximately one year, and she regularly uses marijuana with and is supplied with marijuana by LEDERER. The Citizen stated that she has known LEDERER to smoke and distribute marijuana since she met him. The Citizen further stated that she knows LEDERER to have five regular "customers" (referring to marijuana purchasers) who purchase marijuana from him on a frequent basis. She has previously observed LEDERER in possession of "a couple of ounces" of marijuana. The Citizen further stated that LEDERER regularly carries two firearms, a small derringer (which she said she originally thought was a lighter) and a smaller pistol that is green in color, which he carries on his side.

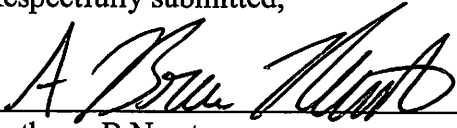
### **CONCLUSION**

38. Based upon the foregoing, I submit there is probable cause to support that on or about September 8, 2017, in Prince William County, Virginia, within the Eastern District of




Virginia and elsewhere, MICHAEL LEDERER, did knowingly and unlawfully possess a firearm as an unlawful user of a controlled substance, for which he may be prosecuted in a court of the United States, in violation of Title 18, United States Code, Section 922(g)(3). I therefore request a warrant be issued for Michael LEDERER's arrest.

Respectfully submitted,

  
\_\_\_\_\_  
Anthony B Newton  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Subscribed and sworn to before me on December 4, 2017.

  
\_\_\_\_\_  
/s/  
Theresa Carroll Buchanan  
United States Magistrate Judge  
The Honorable Theresa Carroll Buchanan  
United States Magistrate Judge